

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

RICHARD W. McELHANEY,

Plaintiff,

v.

3:05-cv-475

STATE OF TENNESSEE, et al.,

Defendants.

MEMORANDUM

In this *pro se* prisoner's civil rights action, the plaintiff was ordered to show cause why this action should not be dismissed for failure to prosecute and to comply with the Orders of this Court. The plaintiff has failed to respond to the Court's Order within the time required. Accordingly, this action will be **DISMISSED WITH PREJUDICE** for failure to prosecute and to comply with the Orders of the Court. Rule 41(b) of the Federal Rules of Civil Procedure. *See Jourdan v. Jabe*, 951 F.2d 108 (6th Cir. 1991); *Carver v. Bunch*, 946 F.2d 451 (6th Cir. 1991). The court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

ENTER:

s/ Leon Jordan
United States District Judge